

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14285 of J.C. Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 7106.11 to change a nonconforming use from coin operated laundry, first floor, to a dry cleaning pick-up-station, first floor, in an R-4 District at premises 1101 East Capitol Street, S.E., (Square 989, Lot 71).

HEARING DATE: May 8, 1985

DECISION DATE: May 8, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the southeast corner of the intersection of 11th and East Capitol Streets and is known as premises 1101 East Capitol Street S.E. It is zoned R-4.

2. The site is improved with a three-story plus cellar brick structure.

3. The top two floors of the structure are devoted to residential use. The ground floor was most recently used as a coin operated laundry pursuant to Certificate of Occupancy No. B-140914, dated January 4, 1985. Prior use of the premises was as an automatic laundry pursuant to Certificate of Occupancy No. B-99470 dated September 7, 1976.

4. BZA Order No. 13757, dated September 20, 1982, granted permission to Robert Staton to use the first floor and cellar of the subject premises as real estate development office space limited to use by Robert Herrema. The use was never instituted and the approval lapsed.

5. The applicant's lessee, the Capitol Hill Cleaning Emporium, proposes to use the first floor of the subject premises as a dry cleaning pick up station. There will be no dry cleaning processing on the premises.

6. Paragraph 7106.11 provides that a nonconforming use may be changed to a use which is permitted as a matter-of-right in the most restrictive district in which the existing nonconforming use is permitted as a matter-of-right, provided that:

A. The proposed use will not adversely affect the

present character or future development of the surrounding area in accordance with the Zoning Regulations. The surrounding area encompasses the existing uses and structures within at least 300 feet in all directions from the nonconforming use.

- B. The proposed use will not create any deleterious external effects, including but not limited to noise, traffic, parking and loading considerations, illumination, vibration, odor, and design and siting effects.
- C. In Residential Districts, the proposed use shall be either a dwelling, flat, apartment house or a neighborhood facility.
- D. The Board may require the provision of or direct changes, modifications, or amendments to any design, plan, screening, landscaping, type of lighting, nature of any sign, pedestrian or vehicular access, parking and loading, hours of operation, or any other restriction or safeguard it may deem necessary to protect the value, utilization, or enjoyment of property in the neighborhood.

7. Both the existing use and the proposed use are first permitted as a matter-or-right in a C-1 District.

8. The immediate area is residential primarily developed with row dwellings and apartment buildings. There is a small nonconforming grocery store located across 11th Street from the subject site. Lincoln Square is to the immediate north, across East Capitol Street. There are some small community uses east of Lincoln Square.

9. The Capitol Hill Cleaning Emporium will operate the subject facility. There will be two employees who will live in the immediate area.

10. The lessee anticipates that all business generated by the proposed facility will be customers who walk to the site from their residences in the immediate area and that the use is, therefore, a neighborhood facility,

11. The building occupies nearly 100 percent of the subject site. No on-site parking can be provided. As noted in Finding of Fact Nos. 9 and 10 above, both the employees and customers are expected to walk to the site.

12. There is on-street parking available on 11th Street. The lessee also proposes to request the Department of Public Works to designate street space in front of the

store as a loading zone to permit parking for the trucks which pick up and deliver the dry cleaning.

13. There will be two truck trips to the site on a daily basis. The dry cleaning will be picked up between 9:30 and 10:00 A.M. and will be dropped off between 3:00 and 3:30 P.M. Each of the two daily pick-up/deliveries will average five to ten minutes each.

14. There will be no illuminated signs on the site. The lessee proposes to have a Victorian-style gold and black painted lucite panel placed behind the pane of the existing bay window which will appear as though it were painted on the glass of the existing window. The only exterior illumination proposed is an existing coach lamp near the entrance.

15. There is no dry cleaning processing equipment on site. Therefore, the proposed use will not create deleterious effects due to the noise of machinery, vibrations or odor.

16. The Capitol Hill Restoration Society, by letter dated May 7, 1985, supported the application. The Capitol Hill Restoration Society was of the opinion that the proposed use will be less intense than the previous use and will not affect adversely the use of neighboring property. The Capitol Hill Restoration Society was of the opinion that the proposed use will enhance the neighborhood and provide a needed service. The Board concurs.

17. Advisory Neighborhood Commission 6B, by letter dated April 23, 1985, supported the application inasmuch as there was overwhelming community support for the proposed use of the premises.

18. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

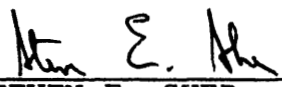
Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 7106.11 and that the relief requested under Subsection 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. The Board concludes that the applicant has met the burden of proof. The proposed use is designed to provide convenient retail service for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development. The proposed use is permitted as a matter-of-

right in the most restrictive district in which the previous use is permitted as a matter-of-right. The Board concludes that the proposed use constitutes a neighborhood facility which will not adversely affect the present character or future development of the area. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly. it is ORDERED that the application is GRANTED.

VOTE: 4-0 (John G. Parsons, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 29 MAY 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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